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# EXECUTIVE ORDERS

## EXECUTIVE ORDER EWE-78-3

WHEREAS, the Data Processing Coordinating and Advisory Council is charged by Act 599 of 1977 to review and approve or disapprove contracts, including renewals, for all data processing hardware, software, maintenance, and professional services for all agencies for each fiscal year; and,

WHEREAS, it is necessary to take positive action to assure that all required information is made available to the Data Processing Coordinating and Advisory Council pursuant to their statutory responsibilities; and,

WHEREAS, the complexity of data processing in Louisiana State Government requires that the State assure itself that all data processing programs and expenditures are fully justified and coordinated; and,

WHEREAS, measurement of hardware utilization and performance should be essential aspects of the ongoing management of any computer operation;

NOW, THEREFORE, I, Edwin Edwards, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State do hereby authorize and direct the Data Processing Coordinating and Advisory Council to take whatever action may be necessary to secure a detailed audit and inventory of data processing resources and activities in any and all data processing centers.

FURTHERMORE, I do hereby direct the head of each agency and the management of each computer activity to cooperate with the Data Processing Coordinating and Advisory Council, and direct that the costs of securing all information required by the Data Processing Coordinating and Advisory Council pursuant to this order shall be borne by the agency or activity from whom the information is required. Each agency or activity shall provide access to its records and facilities, and shall obtain such additional information as the Data Processing Coordinating and Advisory Council shall require, and provide it to the Data Processing Coordinating and Advisory Council on a timely basis.

The Data Processing Coordinating and Advisory Council may, at its discretion, supervise and manage the acquisition and collection of any information it deems necessary, or may specify acceptable methods and standards for collection, acquisition, and reporting of such information by the supplying agency.

The Data Processing Coordinating and Advisory Council shall have the management authority necessary to carry out this order.

This order shall become effective this date and shall remain in effect for such time as the Data Processing Coordinating and Advisory Council shall deem necessary to complete this comprehensive study.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this the 14th day of February, A.D. 1978.

Edwin Edwards  
Governor of Louisiana

## EXECUTIVE ORDER EWE-78-4

WHEREAS, the people of Louisiana are susceptible—as is mankind everywhere—to a variety of disasters whose causes may be ascribed to the forces of nature or the accidental or willfully destructive hand of man; and

WHEREAS, it is the duty of this Administration to take positive steps to prevent or alleviate the consequences of any disaster which might fall upon this State and its citizens; and

WHEREAS, a single plan of action specifying the responsibilities of State and local governmental units and the anticipated, customary functions of private interests and organizations, would greatly enhance our ability to withstand and diminish the impact of any misfortune,

NOW, THEREFORE, I, Edwin Edwards, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this State, do hereby create, within the Office of the Governor, an entity to be known as the Governor's Committee on Emergencies, whose mission shall be to insure, as far as is practical, that the people of Louisiana are sheltered and protected from the adverse consequences of disaster, whether it be caused by nature or by man.

Members of the Committee shall be appointed by the Governor and shall serve at his pleasure. The initial appointments shall be those persons who are listed in Exhibit A attached to this order.

The Committee shall proceed with deliberate speed toward the development of an Emergency Preparedness Plan which will make maximum use of all the resources that can be mustered in the face of a disaster, and in its aftermath. Upon completion, those elements of the Emergency Preparedness Plan which can be implemented by gubernatorial order will be placed into effect by that means. If legislative approval is required to fulfill the objectives of the Plan, the Committee is authorized to seek such approval.

As a part of its mission, the Committee is directed to conduct a survey of the existing emergency or disaster reaction plans of State agencies.

Furthermore, although the Committee may consider other matters, it shall specifically consider the following areas of disaster management: the responsibilities of State, parish, district, and local governments, the declaration of emergencies, the education and warning of the public, evacuation procedures, security of a disaster area, delivery of emergency services, the provision of materials and supplies to affected communities, chain of command, training, mutual aid, the applicability of laws and ordinances during emergencies, and other legal issues.

Also, the Committee shall include in its Plan procedures which will coordinate the efforts of governmental agencies with those of private industry and voluntary organizations.

Finally, the Committee, via written reports, shall keep the Governor informed of its work and progress, and upon completion of the Emergency Preparedness Plan, shall submit it to him.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 14th day of February, A. D. 1978.

Edwin Edwards  
Governor of Louisiana

### Exhibit A

#### Governor's Committee on Emergencies

Major General O. J. Daigle, Jr., State Adjutant General,  
Chairman

Lt. Colonel G. W. Garrison, Deputy Superintendent, Louisiana State Police, Vice-Chairman  
 Charles E. Roemer, II, Commissioner of Administration  
 Mr. W. T. Taylor, Jr., Assistant Secretary, Department of Transportation and Development, Office of Highways  
 Dr. William A. Cherry, Secretary, Department of Health and Human Resources  
 Mr. Roy Aguillard, Assistant Secretary, Department of Transportation and Development, Office of Public Works  
 Mr. J. Burton Angelle, Secretary, Department of Wildlife and Fisheries  
 Colonel F. L. Morrison, Assistant Secretary, Department of Public Safety, Office of Emergency Preparedness  
 Mr. Charles Pasqua, Executive Secretary, Louisiana Municipal Association, representing municipalities  
 Mr. Jimmy Hayes, Secretary, Police Jury Association of Louisiana, representing police juries  
 Honorable Elton A. Arceneaux, Sheriff, Acadia Parish, representing sheriffs  
 Earl Glynn Penton, Chief of Police, City of Bogalusa, representing city police forces  
 Mr. B. Jim Porter, Administrator, Department of Natural Resources, Office of Conservation, Nuclear Energy Division  
 Colonel Ray C. Tremont, Regional Director, Volunteers of America, representing volunteer groups  
 Dallas Green, Fire Chief, City of Shreveport, representing firemen

# EMERGENCY RULES

## DECLARATION OF EMERGENCY

### Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective March 20, 1978, the following amendment to the Louisiana Seed Law and Rules and Regulations, under authority of R.S. 3:1431-1447.

The Louisiana Seed Commission has authorized the certification of all varieties of soybean seed with a germination of seventy percent or better for the 1977 crop. This action was deemed necessary, in order to provide the soybean farmers with a sufficient supply of certified seed.

All tags issued on seed with germination below eighty percent but seventy percent or above will be stamped "Substandard for Germination," and the actual germination will appear on the tag.

The Seed Law tolerance will not apply to germination below seventy percent. The applicant for tags will be responsible for seed that germinates below seventy percent.

Richard Carlton, Secretary  
 Seed Commission

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its regular meeting on February 23, 1978, exercised the emergency rule making provision of the Administrative Procedures Act, R.S. 49:953B, to modify its guidelines for the administration of Act 20 and to extend application of the guidelines to those applying for tuition exemption for the 1978 summer semester. This action was taken to prevent the economic loss and hardship which would have resulted from delaying modification of the Act 20 guidelines.

#### Act 20 Guidelines

1. The State Department of Education shall prepare an application form for the approval of the tuition exemption. This form will be sent to all local school boards for distribution to eligible teachers.

2. A. Teachers will make application for "tuition exemption" to the Louisiana public college or university that they are to attend after receiving Act 20 eligibility verification from the local principal and superintendent or his designee.

B. Applications for tuition exemption and an appropriate application for admission should be received by the college or university in which they wish to enroll at least thirty days prior to the beginning of the semester.

C. Course eligibility will be determined by the college or university to which application is made according to these guidelines.

D. All qualified applicants will be granted only the "tuition exemption."

3. Any certified teacher teaching in, or on approved leave from, a State approved elementary or secondary school, or any degreed teacher eligible to teach in a public school and teaching in an approved nonpublic elementary or secondary school in compliance with nonpublic school standards, shall be eligible for the tuition exemption providing the teacher "attends" a Louisiana public college or university. This tuition exemption shall not apply to those teachers holding temporary certificates but will apply to those teachers holding regular certificates with temporary certification in a particular area.

A. Interpretation of "attend": The teachers shall enroll in an on-campus course or an extension course for credit. Correspondence courses will not be considered.

B. Interpretation of "teacher": Any employee of an elementary or secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

C. Interpretation of "approved elementary and secondary school": Any school that is involved in the day-to-day teaching of students of grades kindergarten through twelve or any combination thereof that is on the approved list of schools under the direction of the State Board of Elementary and Secondary Education. This shall include only the approved public, nonpublic, alternative, and special schools as listed in *Bulletin 741*.

D. Only full-time teachers that are regularly employed, or those that are on approved leave, are eligible under this Act. Day-to-day substitute teachers are not eligible.

4. Only those courses of instruction in the teacher's field or discipline may be taken under this program. Course load shall not exceed six semester hours per semester while teaching full time.

Interpretation of "field or discipline":

A. Course work in the area of certification endorsed on the applicant's valid Louisiana standard teaching certificate;

B. Methods and professional education courses that deal directly with the area of certification endorsed on the teaching certificate;

C. Course work outside the area of certification endorsed on the teacher's certificate, provided the principal recommends the area of instruction in which the teacher shall enroll. This must be attested to by the principal or immediate supervisor and the local superintendent;

D. Required course work in a Board of Regents' approved advanced degree program in an area in which the applicant is presently teaching.

5. The State Superintendent of Education shall reimburse each Louisiana public college or university for only the "tuition" funds lost due to this program, for applicants who are eligible according to the guidelines adopted by the State Board of Elementary and Secondary Education. The funds shall be paid from monies appropriated therefor or otherwise made available for this program.

6. The program will go into effect only after certification by the Division of Administration and approval by the Legislative Budget Committee that the General Fund revenues are available for this purpose.

7. Appeals.

A. An Act 20 Appeals Committee composed of three members shall be appointed by the State Board of Elementary and Secondary Education.

B. Any person denied eligibility for the tuition exemption would be given written reasons for denial and be advised of the right to appeal to the Act 20 Appeals Committee.

C. The individual should then contact the Director of the State Board of Elementary and Secondary Education for procedures to be followed for the appeal.

D. The Act 20 Appeals Committee would meet, if necessary, prior to the regular monthly meeting of the State Board of Elementary and Secondary Education to hear appeals cases so that their recommendations can be acted upon by the full Board at the regular meeting.

James V. Soileau, Director  
Board of Elementary and Secondary Education

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted, effective April 1, 1978, Standards For Emergency Medical Transportation Providers Under Title XIX (Medicaid). The standards are an effort by the Office of Family Services to set forth the minimum standards for participation in the Medicaid Program by providers of emergency medical transportation. The primary objective of the standards is to make them compatible with current laws and Federal regulations and to ensure that the application of the standards is uniform statewide.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted, effective March 1, 1978, the maximum level (cap rate) for long term care eligibility for an individual to be \$533.40 or the facility fee, if less. This revision will allow the Medical Assistance Program to comply with federal regulation (45 CFR 248.2 (d) and 248.4 (e)).

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted, effective March 1, 1978, policy that the nursing home is responsible for the care of patients who do not have bowel or bladder control. This does not require the nursing home to use disposable pads or diaper service. If the nursing home chooses this method of care, the cost is included in the basic payment for nursing home care. However, if the patient or his family requests disposable pads or diaper service as the method of care, the patient's family may be charged for it.

In regard to transportation, the nursing home is responsible for seeing that the patient has a way to get to and from the physician's office, clinic, or hospital when needed. The nursing home must also make arrangements for other needed transportation. The cost of transportation is not included in the basic payment to the nursing home; therefore, this service may result in a charge to the patient's family.

This action was taken to comply with Federal regulations pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has made use of the emergency provision of the Administrative Procedures Act to adopt, effective April 1, 1978, the expansion of the Medical Assistance Program by allowing reimbursement for emergency medical transportation, in order to protect and preserve the lives of Louisianians in medical emergencies.

The term "emergency medical transportation" means transportation being provided for an unforeseen combination of circumstances which apparently demands immediate attention at a medical facility to prevent serious impairment or loss of life; when a mental patient is unmanageable or needs restraint; when

a patient has a medical condition such a possible heart attack, coma, hemorrhage, loss of consciousness, a debilitating condition; transfer of a patient requiring the administering of intravenous fluids, for which the patient would be susceptible to injury using other methods of transportation.

Vendor payment shall be made for emergency medical transportation as defined in Section 19-850 of the *Manual of Policies and Procedures for the Medical Assistance Program*, subject to the following conditions:

A. The emergency medical transportation service is provided one way to the nearest appropriate hospital. The equipment, its personnel, and its capabilities to provide the services necessary to support the required medical care disignates the hospital as appropriate.

B. The medical necessity of the emergency medical transportation service is verified by a physician (for Medicaid eligibles who have Medicare Part B coverage, this verification is mandatory); or a designated medical professional supervising emergency intake in the treating facility; or a designated party in the admitting area of a medical facility. (Admission to the facility is usually ordered by admitting physician and the medical need for service is dated, signed, and referenced to the admitting physician.)

C. The receiving treating facility shall be the nearest appropriate facility providing the necessary medical care.

D. There are no arbitrary limitations as to the number of emergency medical transportations for which payment will be made.

Payment for these services is in the amount of the provider's rate for the service established by the Office of Family Services for that provider. Reimbursement of one dollar per mile, not to exceed twenty-five dollars, is made for travel outside the provider's geographical base rate region.

This action was taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## DECLARATION OF EMERGENCY

### Department of Transportation and Development

The Louisiana Department of Transportation and Development exercised the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective March 20, 1978, with retroactive application to January 16, 1978, the following rules as amendments to the Department of Transportation and Development's "Regulations for Trucks, Vehicles and Loads." These emergency rules will provide for equitable enforcement of Act 113 of the Louisiana Legislature of 1977, which became effective upon the signature of the Governor on June 22, 1977, and are in the best economic welfare of the state.

1. When the gross vehicle weight does not exceed the legal weight: When the axle weight on one or more axles or set of axles exceeds the legal weight by more than two thousand pounds per axle and the load cannot be shifted, a violation ticket will be issued. The fee will be determined based on the sum of the excess axle weights after subtracting two thousand pounds from the overload per axle in excess of the legal limit by more than two thousand pounds. The two thousand pounds variance allowed

for each axle will not be subtracted from those axles that do not exceed the legal axle weight.

2. When the gross vehicle exceeds the legal as well as one or more axles exceed the legal axle weight: In this case, the fine will be determined as described in Paragraph 1 for axle overload. Additionally, the fine resulting from the overload of the gross vehicle weight will be calculated. Only one penalty will be assessed. The penalty assessed will be either for axle overload or for overload of the gross vehicle weight, whichever results in the greater penalty. A variance of two thousand pounds will not be deducted from gross vehicle weight and actual axle weights will be used to determine the gross vehicle weight.

All overweight violation tickets issued since January 16, 1978, will be reviewed and all fines assessed in excess of this policy will be reduced and refunds issued.

George A. Fischer, Secretary  
Department of Transportation and Development

# RULES

## RULES

### Department of Agriculture Dairy Stabilization Board

The Dairy Stabilization Board at its meeting on February 28, 1978, adopted the following rules to be added to its Rules and Regulations (1977 edition).

1.1B(20) "Milk case" means the wood, metal, or plastic container essential for transporting or delivering cartons, bottles, jugs, or other packages of dairy products.

\* \* \* \*

#### Unauthorized Use of Milk Cases Prohibited

2.4A(8)m The using, shipping, lending, borrowing or in any way the possessing of milk cases by a processor or distributor of milk cases belonging to any other processor or distributor.

#### Misuse of Milk Cases Prohibited

2.4A(8)n The giving away, throwing away, donating, or the disposing in any way by a retailer of milk cases belonging to any licensed processor or distributor.

C. James Gelpi, Director-Attorney  
Dairy Stabilization Board

## RULES

### Department of State Civil Service

Following its public hearing on February 14, 1978, the State Civil Service Commission adopted amendments to the following Civil Service Rules: 7.20(c) and 11.23.

The rules as amended read as follows:  
7.20 Noncompetitive Classes.

\* \* \* \*

(c) The Director may waive competitive appointment requirements and approve the noncompetitive appointment of an applicant to a position provided such applicant:

1. Is a bona fide client of the Vocational Rehabilitation Program or the Blind Services Program of the Office of Rehabilitation Services, Department of Health and Human Resources, and